



Federal Communications Commission
Consumer & Governmental Affairs Bureau
Washington, D.C. 20554

03-123 ✓
98-67 **CGB**

August 25, 2004

DOCKET FILE COPY ORIGINAL

Control No. 0402628-Pol

The Honorable Jo Ann Davis
U. S. House of Representatives
1123 Longworth House Office Building
Washington, D.C. 20515

Dear Congresswoman Davis:

Thank you for your letter of August 2, 2004, sent to the Federal Communications Commission (Commission or FCC), on behalf of your constituent, Mr. William Vance, expressing his concerns regarding Video Relay Service (VRS), a form of telecommunications relay service (TRS). Your correspondence was forwarded to the Commission's Consumer & Governmental Affairs Bureau (the Bureau) for handling.

Mr. Vance asks that the FCC not further reduce the VRS compensation rate until VRS becomes available 24 hours per day, 7 days per week, with high quality services and accessibility, and a process for determining cost recovery methodology. He also asks the Congress to reconsider reimbursement for Video Mail.

As an initial matter, the rate for compensating VRS providers is not dependent on whether the service is offered on a 24/7 basis or vice versa. Since VRS is not a mandatory form of TRS, there is no requirement that it be offered on a 24/7 basis. However, there is nothing to prevent VRS providers from offering the service on a 24/7 basis. TRS providers are currently operating under waivers of that rule so that they do not have to provide the service on a 24/7 basis, but may still be compensated from the Interstate TRS Fund (the Fund).

We also note that, as a practical matter, the Commission neither "raises" nor "reduces" the TRS compensation rates, but adopts them on an annual basis, based on projected cost and usage data submitted by the providers. This data is submitted to the National Exchange Carrier Association (NECA), which is the TRS Fund administrator. Each year, NECA reviews these submissions and recommends a compensation rate to the Commission. For the July 2004 to June 2005 Fund year, NECA submitted a proposed VRS compensation rate of \$7.293 per minute. On June 30, 2004, the Bureau issued an Order (DA 04-1999) approving NECA's proposed rate, subject to adjustments discussed in the Bureau's Order. A copy of that Order (DA 04-1999) is enclosed.

We further note that VRS continues to grow rapidly in popularity, despite the fact it is not available on a 24/7 basis. In fact, although VRS has been available only for the past two and a half years, in the past year alone the use of VRS has increased from 211,529 minutes in June 2003, to 733,040 minutes in May 2004. We also note that we are continuing to raise and address new issues as provision of this important service evolves. On June 30, 2004, the Commission released an order that included a Further Notice of Proposed Rulemaking (FNPRM), in CG Docket No. 03-123 (FCC 04-137), seeking comment on various matters concerning, *inter alia*, VRS. Specifically, with regard to VRS, the FNPRM seeks comment on the appropriate cost recovery methodology for VRS; whether the Commission should adopt jurisdictional separation of costs for VRS so that all VRS costs are not reimbursed from the federal Interstate TRS Fund; whether VRS should become a mandatory form of TRS; whether VRS should be required to be offered 7 days a week, 24 hours a day; and whether a "speed of answer" rule should be applied to the provision of VRS. A copy of the Report & Order, Order on Reconsideration and Further Notice of Proposed Rule Making that was released by the Commission on June 30, 2004, is also enclosed.

With regards to Mr. Vance's request that Congress "reconsider reimbursement of video mail," we note that a Public Notice (CG Docket 03-123, DA 04-2062) was released on July 9, 2004, seeking comment on whether the provision of Video VRS Mail to deaf and hard of hearing persons is eligible for compensation from the Interstate TRS Fund. After we review all of the comments on this issue, we will address the matter.

To the extent Mr. Vance has concerns about the provision of VRS, we encourage him to actively participate in proceedings before the Commission to ensure that his opinions are expressed and considered fully. The Commission has available an e-mail service designed to apprise consumers about developments at the Commission, to disseminate consumer information materials prepared by the Commission to a wide audience, and to invite comments from other parties on Commission regulatory proposals. This free service enables consumers to subscribe and receive FCC fact sheets, consumer brochures and alerts, and public notices, among other consumer information. To subscribe, an individual should send an e-mail to subscribe@info.fcc.gov and, in either the subject line or the message insert: "subscribe fcc-consumer-info first name last name" (e.g., "subscribe fcc-consumer-info John Doe").

We also invite Mr. Vance to visit the Consumer & Governmental Affairs Bureau's Internet web site at <http://www.fcc.gov/cgb> or the Commission's Home Page located at <http://www.fcc.gov>.

The Honorable Jo Ann Davis

Page 3

We have placed a copy of Mr. Vance's correspondence in the public record for this proceeding. We appreciate your inquiry. Please do not hesitate to contact us if you have further questions.

Sincerely,

A handwritten signature in black ink, appearing to read "K. Dane Snowden", with a long horizontal line extending to the right.

K. Dane Snowden
Chief

Consumer & Governmental Affairs Bureau

Enclosures

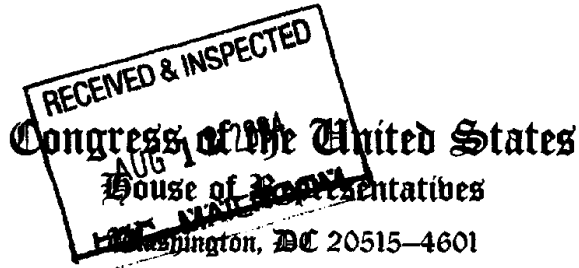
JO ANN DAVIS
FIRST DISTRICT, VIRGINIA

COMMITTEES:
ARMED SERVICES

INTERNATIONAL RELATIONS

GOVERNMENT REFORM
CHAIRWOMAN, CIVIL SERVICE AND AGENCY
REORGANIZATION SUBCOMMITTEE

www.house.gov/joannDavis



WASHINGTON OFFICE:
1123 LONGWORTH HOUSE OFFICE BUILDING
WASHINGTON, DC 20515
TELEPHONE: (202) 225-4261

DISTRICT OFFICES:
4904-B GEORGE WASHINGTON MEMORIAL HIGHWAY
YORKTOWN, VA 23692
(757) 874-6687

4500 PLANK ROAD, SUITE 105-A
FREDERICKSBURG, VA 22407
(540) 548-1086

1623 TAPPAHANNOCK BOULEVARD
P.O. Box 3106
TAPPAHANNOCK, VA 22560
(804) 443-0668

August 2, 2004

Ms. Diane Atkinson
Congressional Liaison Specialist
Federal Communications Commission
445 12th Street, S.W.
Room 8-C453
Washington, D.C. 20554

CFB
Policy-Disab
2/6/28

Dear Ms. Atkinson:

I am writing to forward the concerns of one of my constituents, Mr. William Vance. Mr. Vance is concerned about the reimbursement for Video Relay Services and Video Mail.

Please contact Jenny Stein in my Washington, D.C. office with a response to Mr. Vance's concerns or any additional questions you may have.

Thank you for your time and attention to this matter.

With kind regards, I remain

Sincerely,

Jo Ann Davis
Member of Congress

JAD:jsx
Enclosure

12 AUG 2004 RCUD

Roberts, Sarah

From: writerep
Sent: Saturday, June 19, 2004 12:03 AM
To: VA01WYR
Subject: WriteRep Responses

DATE: June 18, 2004 11:55 PM
NAME: William Vance
ADDR1: 619 Lakeland Crescent
ADDR2:
ADDR3:
CITY: Yorktown
STATE: Virginia
ZIP: 23693-1000
PHONE: 757-865-2313
EMAIL: wvanceva12@aol.com
msg:
William Vance
619 Lakeland Crescent
Yorktown, VA 23693

PWD

June 18, 2004

The Honorable Jo Ann S. Davis
U.S. House of Representatives
1123 Longworth House Office Building
Washington, D.C. 20515-4601

Representative Davis:

Cheryl and I have suffered from a deteriorating quality of Video Relay Services (VRS). Please ensure that the FCC makes no further reductions in the VRS interim rate until VRS functional equivalency is achieved, including the completion of the FCC's process for determining the cost recovery methodology, and until VRS is available 24/7 with high quality interpreters and a reasonable average speed of answer. Please also reconsider reimbursement of video mail, as I need a way for hearing people to leave me a message.

Sincerely,

Bill and Cheryl Vance